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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,281	04/12/2001	Matthew Carter	LCOM-0605	2394

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Woodcock Washburn Kurtz  
Mackiewicz & Norris LLP  
One Liberty Place - 46th Floor  
Philadelphia, PA 19103

EXAMINER
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KIM, JUNG W

ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/833,281	CARTER ET AL.
	Examiner Jung W Kim	Art Unit 2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 19-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 19-29 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 April 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>6/29/01</u> .	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

1. Claims 19-29 have been examined. Applicant in the preliminary amendment filed on April 12, 2001 amended claim 19, canceled claims 1-18, and added new claims 21-29.

### ***Information Disclosure Statement***

2. The information disclosure statement filed June 29, 2001 complies with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. As indicated by the applicant, the references listed in the IDS were previously submitted and received by the Office in prior application serial number 09,428,844 on October 28, 1999. However, the non-patent references are currently not available and/or is not located with prior application serial no. 09,248,844; the Office is in process of locating these references. As such, the non-patent references have not been considered. To expedite consideration, the Office requests that applicant resubmit a copy of each non-patent reference listed in the IDS.

### ***Claim Objections***

3. Claim 28 is objected to because of the following informalities: claim 28 refers to the encryption device of claim 28. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claim 19 recites the limitation "the far-end telephone". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
8. Claims 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Faucher et al. U.S. Patent No. 5,455,861 (hereinafter Faucher).
9. As per claim 19, Faucher discloses an encryption device for a telephone having a handset and a base unit (see Faucher, Figure 19), the encryption device comprising:
  - a. a handset interface coupled to the handset (see Faucher, Figure 19, Reference No. 1914);

- b. a processor coupled to the handset interface having a memory for storing a set of security parameters, each security parameter having at least one selection (see Faucher, Figure 19, Reference Nos. 830, 840 and 807 and col. 6, line 57-col. 7, line 7); and
- c. a host interface coupled to the processor and the base unit (see Faucher, Figure 19, Reference No. 1920),
- d. wherein the processor transmits to the far-end telephone via the host interface, a message containing a representation of the set of security parameters, receives from the far-end telephone via the host interface a message containing a representation of a respective selection of each of the security parameters, and establishes a secure session with the far-end telephone based on the respective selections (see Faucher, Abstract; col. 6, line 57-col. 7, line 7).

The aforementioned cover the limitations of claim 19.

10. As per claim 20, Faucher discloses a device as outlined above in the claim 19 rejection under 35 U.S.C. 102(b). In addition, the secure telephone device is used on both the phone initiating the call and the phone receiving the call. See Faucher, Figures 16 and 18. The aforementioned cover the limitations of claim 20.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 21-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faucher in view of Elgamal et al. U.S. Patent No. 6,397,330 (hereinafter Elgamal).

14. As per claims 21-27, Faucher discloses a device as outlined above in the claim 19 rejection under 35 U.S.C. 102(b). Faucher does not expressly disclose the processor transmitting a security mode word having a plurality of bit fields, wherein the bit fields represent security associations. Elgamal teaches transmitting a security mode

word between nodes to establish security associations for the transmission (see Elgamal, col. 6, lines 24-27). Further, Elgamal teaches wherein the set of security parameters includes a set of encryption or coding algorithms that the encryption device supports (see Elgamal, col. 6, lines 23-25); wherein the set of security parameters includes a set of public key modulus sources, sizes and key lengths that the encryption device supports (see Elgamal, col. 6, line 25); wherein the respective selections represent selections of the security parameters that the far-end telephone supports (see Elgamal, col. 6, lines 21-24 and 29-37). It would be obvious to one of ordinary skill in the art at the time the invention was made to establish the security association for a transmission by transmitting a security mode word between the caller and the callee. Motivation for combination enables a handshake between the nodes of a transmission to coordinate the type of service as known to one of ordinary skill in the art and as taught by Elgamal. Ibid. Note: SSL and IPsec both establish security associations by means of a handshake to select a cipher suite. The aforementioned cover the limitations of claims 21-27.

15. As per claims 28 and 29, Faucher discloses a device as outlined above in the claim 19-27 rejections under 35 U.S.C. 103(a). Faucher does not expressly disclose the respective selections represent the highest integrity mode that the far-end telephone supports and the compatible parameter provides the highest integrity security mode that the encryption device supports; however, maximizing the security association is an obvious step. Examiner takes Official Notice of this teaching. It would be obvious to

one of ordinary skill in the art the time the invention was made to select the highest security mode supported by both the caller and callee devices to ensure the highest level of security for the transmission as known to one of ordinary skill in the art. The aforementioned cover the limitations of claims 28 and 29.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bulfer et al. U.S. Patent No. 5,392,357.

Cox et al. U.S. Patent No. 5,434,920.

Cox et al. U.S. Patent No. 5,594,798.

Weinstein et al. U.S. Patent No. 6,094,485.

### ***Telephonic Inquiry Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung W Kim whose telephone number is (703) 305-8289. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jung W Kim  
Examiner  
Art Unit 2132

Jk  
October 8, 2004



GILBERTO BARRON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100